

United States District Court
District of Minnesota

Lynda L. Pelletier,

Plaintiff,

Civil Action No. _____

vs.

United States of America,

Defendant.

COMPLAINT

PLAINTIFF FOR HER CLAIM FOR RELIEF, STATES AND ALLEGES AS
FOLLOWS:

I—PARTIES

1. That, at all times material hereto, Plaintiff Lynda L. Pelletier was and is a citizen of the United States of America, and a resident of the State of Minnesota.

2. That, at all times material hereto, Marvin J. Beaulieu was and is a member of the Mille Lacs Band of Ojibwe, residing at 43408 Oodena Drive, in the City of Onamia, County of Mille Lacs, State of Minnesota.

3. That, United States of America, is properly named pursuant to Pub.L. No. 101-512 Title III § 314 codified as 25 U.S.C. § 450 *et seq.*, and the Federal Tort Claims Act 28 U.S.C. § 1346(b).

II—JURISDICTON

1. Jurisdiction to the above-named Court is invoked pursuant to 28 U.S.C. § 1346(b), and 28 U.S.C. § 450 *et seq.*

2. Plaintiff has exhausted her administrative remedy. Plaintiff served her claim for damage, injury or death upon the Assistant Solicitor, Procurement and Patents, Office of the Solicitor, Department of the Interior on November 29, 2013. (Ex. 1). Plaintiff also served the Office of the Field Solicitor on November 22, 2013. (Ex. 2) Six months passed as of May 29, 2014. Defendant United States of America has not provided documentation regarding the status of Plaintiff's claim. Pursuant to U.S.C. 2675(a) Plaintiff now brings this claim.

III—VENUE

1. Venue is properly in the District of Minnesota under the facts set forth herein and pursuant to 28 U.S.C. 1346(b) and Minn. Stat. § 543.19.

IV—STATEMENT

1. That, on or about June 29, 2012, near the intersection of U.S. Highway 169 and Grand Avenue, in the Township of Kathio, County of Mille Lacs, State of Minnesota, a collision occurred between an automobile owned by the Mille Lacs Band of Ojibwe, a division of the Bureau of Indian Affairs and operated by Marvin J. Beaulieu, and an automobile owned and operated by Plaintiff Lynda L. Pelletier.

2. That, at the time of the collision, Marvin J. Beaulieu was carrying out functions for an Indian contractor, tribal organization and/or Indian tribe pursuant to a contract authorized by the Indian Self-Determination and Education Act 25 U.S.C. § 450 *et seq.* (Ex. 3).

3. The above referenced collision was a result of the negligence and carelessness of Marvin L. Beaulieu.

4. At the time of the collision, pursuant to 25 U.S.C. § 450 *et seq.* Marvin J. Beaulieu was deemed to be an employee and/or agent of United States of America, Bureau of Indian Affairs.

5. That, as a direct and proximate result of the negligence and carelessness of Defendant, Plaintiff Lynda L. Pelletier sustained severe and permanent injuries in mind and body, incurring loss of wages and wage earning ability, property damage and medical expenses, all of which problems are continuing in nature, resulting in damages to her in the amount of \$61,289.00.

V - DEMAND FOR JURY TRIAL

The Plaintiffs demand a trial by jury as to each and every Count of the Plaintiff's Complaint herein.

Demand for Judgment

THEREFORE, Plaintiff Lynda L. Pelletier demands judgment against Defendant for 61,289.00 plus interest and costs.

Dated: 7-7-14


James P. Carey, #180555

Attorney for Plaintiff

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